

103^D CONGRESS
1ST SESSION

H. CON. RES. 154

Concerning the need for immediate investigation into violations of international law in the former Yugoslavia and prosecution of persons responsible for those violations.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1993

Ms. MOLINARI (for herself, Mr. McCLOSKEY, Mr. KING, Mr. LEVY, and Mr. ENGEL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Concerning the need for immediate investigation into violations of international law in the former Yugoslavia and prosecution of persons responsible for those violations.

Whereas war and “ethnic cleansing” in the former Yugoslavia has uprooted more than 2,000,000 people in Bosnia-Herzegovina and an additional 500,000 people in Croatia, contributing to the largest refugee problem in Europe since World War II;

Whereas according to reports by the Department of State, the people of Bosnia-Herzegovina and Croatia have been subjected to organized, systematic, and premeditated war crimes and acts tantamount to genocide, including willful killings, rape, forced impregnation, abuse of civilians in detention centers, deliberate attacks on noncombatants,

“ethnic cleansing” through forcible expulsion and deportation of civilians, and torture of prisoners;

Whereas according to similar reports by the Department of State, the people of Kosovo have been subjected to organized and premeditated crimes against humanity, including willful killings, abuse of civilians in detention centers, and “ethnic cleansing” through police harassment, abrogation of civil rights (such as the right to vote, freedom of the press, and freedom of assembly), and forcible expulsion of civilians;

Whereas “inhumane acts” are considered “crimes against humanity” under the London Agreement that established the guidelines for the Nuremberg Trials, and “torture or inhumane treatment” and “willfully causing great suffering or serious injury to body or health” are considered “grave breaches” of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949, under Article 147 of that Convention;

Whereas the Nuremberg International Military Tribunal held that, for purposes of international criminal law, the individual is a subject of international law, and that “international law imposes duties and liabilities upon individuals as well as upon states . . .”;

Whereas the United Nations Security Council has reaffirmed that persons who commit or order the commission of grave breaches of the Geneva Conventions are individually responsible for such breaches;

Whereas on October 6, 1992, the United Nations Security Council adopted Resolution 780, establishing the United Nations Commission of Experts to collect information

and evidence on violations of international law that have been committed in the former Yugoslavia since 1991;

Whereas since its establishment, the United Nations Commission of Experts has been handicapped by a lack of financial and technical resources, requiring it to struggle to obtain and record data with respect to such violations;

Whereas the United Nations Security Council adopted Resolution 808 on February 22, 1993, and Resolution 827 on May 25, 1993, establishing an International Tribunal to investigate and prosecute persons responsible for such violations;

Whereas Article 16 of the Statute of the International Tribunal provides for the appointment of a prosecutor for such Tribunal and Article 18 of such Statute states that such prosecutor is to assess any information of alleged war crimes in the former Yugoslavia and “upon a determination that a prima facie case exists, the prosecutor shall prepare an indictment . . .”;

Whereas as of late September 1993 a prosecutor has yet to be appointed by the United Nations Secretary General and approved by the Security Council;

Whereas as of late September 1993 thousands of cases of reported war crimes and potential war crimes in the former Yugoslavia have yet to be fully investigated; and

Whereas the expeditious investigation into such crimes is essential to ensure that evidence is not destroyed or lost and that witnesses and survivors do not die or disappear:
Now, therefore, be it

- 1 *Resolved by the House of Representatives (the Senate*
- 2 *concurring), That the Congress—*

1 (1) calls on the President to direct the United
2 States Representative to the United Nations—

3 (A) to urge the United Nations to begin
4 formal investigations into violations of inter-
5 national law that have been committed in the
6 former Yugoslavia since 1991;

7 (B) to encourage the United Nations Com-
8 mission of Experts (established under United
9 Nations Security Council Resolution 780
10 (1992)) to begin using the approximately
11 \$1,000,000 earmarked for such investigations
12 by immediately sending teams of investigators,
13 including 1 or more teams consisting of individ-
14 uals who have experience working with victims
15 of rape, to locations in Germany, Austria, Den-
16 mark, France, Croatia, Kosovo, and Serbia,
17 where thousands of victims of war crimes are
18 residing; and

19 (C) to urge the United Nations Secretary-
20 General to appoint, and the Security Council to
21 approve, not later than October 6, 1993, a
22 prosecutor for the International Tribunal in ac-
23 cordance with Article 16 of the Statute of the
24 International Tribunal, to aggressively continue
25 and expand upon such investigations and pros-

1 ecute persons responsible for violations of inter-
2 national law in the former Yugoslavia in accord-
3 ance with Article 18 of such Statute;

4 (2) encourages the President to provide on tem-
5 porary assignment to the United Nations Commis-
6 sion of Experts or to the prosecutor of the Inter-
7 national Tribunal personnel of the United States
8 Government who have experience working with vic-
9 tims of rape and other heinous crimes for the pur-
10 pose of interviewing the victims of such crimes in
11 the former Yugoslavia and gathering legal evidence
12 relating to such crimes;

13 (3) requests the President to work with the
14 United Nations to establish a workable time sched-
15 ule which sets an aggressive calendar toward pursu-
16 ing prosecutions of persons responsible for violations
17 of international law in the former Yugoslavia; and

18 (4) calls on the United Nations Security Coun-
19 cil to withhold consideration of lifting the economic
20 sanctions against the Federal Republic of Yugoslavia
21 (Serbia and Montenegro) under United Nations Se-
22 curity Resolution 757 (1992) until all indictments
23 against those persons ultimately responsible for vio-
24 lations of international law in the former Yugoslavia

- 1 have been issued by the International Tribunal and
- 2 such persons have surrendered for trial.

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